

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1110

AN ACT

AMENDING SECTIONS 12-1111, 12-1114 AND 12-1121, ARIZONA REVISED STATUTES;
RELATING TO EMINENT DOMAIN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-1111, Arizona Revised Statutes, is amended to
3 read:

4 12-1111. Purposes for which eminent domain may be exercised

5 A. Subject to the provisions of this title, the right of eminent
6 domain may be exercised by the state, ~~BY~~ a county, city, town, village, or
7 political subdivision, or by a person, for the following uses:

8 1. All public uses authorized by the government of the United States.

9 2. Buildings and grounds for any public use of the state and all other
10 public uses authorized by the legislature.

11 3. Buildings and grounds for the use of a county, city, town or school
12 district.

13 4. Canals, aqueducts, flumes, ditches or pipes, for conducting water
14 for the use of the inhabitants or for drainage of a county, city, town or
15 village.

16 5. Raising the banks of streams, removing obstructions therefrom, or
17 widening, deepening or straightening their channels.

18 6. Roads, streets and alleys, and all other public uses for the
19 benefit of a county, city, town or village, or the inhabitants thereof, which
20 is authorized by the legislature. The method of apportioning and collecting
21 the costs of the improvements authorized by paragraphs 3, 4, 5 and 6 shall be
22 as provided in the law by which they are authorized.

23 7. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads,
24 byroads, plank and turnpike roads and highways.

25 8. Steam, horse, mule, electric and cable railroads or railways.

26 9. Telegraph and telephone lines and conduits for public
27 communication.

28 10. Electric light and power transmission lines, ~~pipe-lines~~ PIPELINES
29 used for supplying gas, and all transportation, transmission and
30 intercommunication facilities of public service agencies.

31 11. Aviation fields.

32 12. Reservoirs, canals, ditches, flumes, aqueducts and pipes, for the
33 use of a county, city, town or village, or its inhabitants, or for public
34 transportation for supplying mines and other industrial enterprises, farms
35 and farm neighborhoods with water for irrigation, domestic and other needful
36 purposes, and for generating electricity.

37 13. Draining and reclaiming lands, and for floating logs and lumber on
38 nonnavigable streams.

39 14. Roads, tunnels, ditches, flumes, pipes and dumping places for
40 working mines, and outlets, natural or otherwise, for the flow, deposit or
41 conduct of tailings or refuse matter from mines, and an occupancy in common
42 by the owners or possessors of different mines, or any place for the flow,
43 deposit or conduct of tailings or refuse matter from their several mines.

- 1 15. Byroads leading from highways to residences and farms.
- 2 16. Private canals, ditches, flumes, aqueducts and pipes for conducting
3 water from natural ~~water courses~~ WATERCOURSES or bodies or from public
4 sources where the lands to be irrigated are not directly reached by such
5 natural ~~water course~~ WATERCOURSE or public sources.
- 6 17. ~~Pipe lines~~ PIPELINES to carry petroleum, petroleum products or any
7 other liquid.
- 8 18. Rights-of-way, station grounds, pits, yards, sidetracks and other
9 necessary facilities for railways.
- 10 B. ECONOMIC BENEFIT, INCLUDING ANY INCREASE IN TAX REVENUES, BY ITSELF
11 IS NOT A PUBLIC USE.
- 12 Sec. 2. Section 12-1114, Arizona Revised Statutes, is amended to read:
13 12-1114. Private property subject to condemnation
14 Private property which may be taken includes:
15 1. All real property belonging to any person, including any and all
16 water and water rights for the irrigation of any land condemned, belonging to
17 or used in connection with the land for the irrigation thereof, with right of
18 way for the water or water rights condemned through irrigating canals and
19 ditches leading to the land condemned.
- 20 2. Lands belonging to the state, or to any county, city, town or
21 village, not appropriated to some public use.
- 22 3. Property appropriated to public use.
- 23 4. Franchises for toll roads, toll bridges, and ferries, and all other
24 franchises, but such franchises shall not be taken unless for free highways,
25 railroads or other more necessary public uses.
- 26 5. All rights of way through canyons, passes or defiles, and all
27 rights of way for any and all purposes mentioned in ~~paragraph 2 of~~ section
28 12-1111, SUBSECTION A, PARAGRAPH 2, and any and all structures and
29 improvements thereon, and the lands held or used in connection therewith,
30 intersected by any other right of way or improvements or structures thereon,
31 which shall also be subject to a limited use in common with the owner thereof
32 when necessary, but such uses, crossings, intersections and connections shall
33 be made in the manner most compatible with the greatest public benefit and
34 least private injury.
- 35 6. All classes of private property not enumerated, including property
36 for use in water or water rights, taken for public use when the taking is
37 authorized by law.
- 38 Sec. 3. Section 12-1121, Arizona Revised Statutes, is amended to read:
39 12-1121. Powers of court; precedence
40 A. The court may determine and regulate the place and manner of making
41 connections and crossings or of enjoying the common use mentioned in
42 ~~paragraph 14 of~~ section 12-1111, SUBSECTION A, PARAGRAPH 14. It shall hear
43 and determine all adverse or conflicting claims to the property sought to be
44 condemned and the claim of damages therefor, and shall determine the

1 respective rights of different parties seeking condemnation of the same
2 property.

3 B. The court in which any action brought under articles 2 and 3 of
4 this chapter is pending shall, at the request of any party, give the action
5 precedence over other civil actions.